

STATE OF SOUTH CAROLINA)	
)	BEFORE THE STATE ETHICS COMMISSION
COUNTY OF RICHLAND)	
)	
IN THE MATTER OF:)	
COMPLAINT C2011-082)	
)	
State Ethics Commission,)	
Complainant;)	
)	
vs.)	DECISION AND ORDER
)	
Christy Coleman,)	
Respondent.)	
)	

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on May 13, 2011. On July 20, 2011, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Christy Coleman, with a violation of Section 8-13-735, and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on September 21, 2011 were Commission Members Phillip Florence, Jr., Chair, E. Kay Biermann Brohl and JB Holeman. Respondent was present and appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

COUNT ONE
SERVICE AS NON-APPOINTED MEMBER AND EMPLOYEE OF
SAME BOARD PROHIBITED
SECTION 8-13-735(b), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Christy Coleman, an elected member of Clearwater Water and Sewer District and an employee of the same, on or about April 7, 2011, did violate Section 8-13-735(B) when she continued to serve as a board member and employee upon notice of

the change in the law.

STATEMENT OF FACTS

1. The Respondent, Christy Coleman, is an elected member of the Clearwater Water and Sewer District in Aiken County. She also works as clerk in the office under the direction of the Clearwater Water and Sewer board.

2. State Ethics Commission Investigator Dan Choate testified that the Commission's director sent a certified letter to Respondent advising her of the change in the law. Investigator Choate testified that when Respondent was elected in November 2010, Section 8-13-735 permitted her dual service with the Clearwater Water and Sewer District. When Governor Haley signed H3625 in April 2011, Respondent was in violation of Section 8-13-735 and in order to comply with the new law she would have to resign from one of her two positions.

3. Respondent testified that she began working on running for the Clearwater Water and Sewer District Board in March 2010 and everyone she spoke with said it was not a violation to be in the two positions. She testified that the Aiken Legislative Delegation did not want her in both positions, by first passing local legislation that was vetoed by the Governor's office and then passing Section 8-13-735. Respondent testified that she was willing to not run for re-election if allowed to serve out her term. Respondent testified that it was unfair that a grandfather clause was not passed with the amendment to Section 8-13-735.

4. Terry W. Overstreet testified that he is one of three members of the Clearwater Water and Sewer District. He testified that it seemed unfair for Respondent to have to

choose between the two positions. Mr. Overstreet testified that he understood the potential for conflict, but he thought Respondent should be allowed to serve out her term and maintain her position in the office.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. The Respondent, Christy Coleman, is a public official as defined by Section 8-13-100(27).

2. The State Ethics Commission has personal and subject matter jurisdiction

3. Section 8-13-735 provides:

(A) Except as provided in subsection (B), no person who serves at the same time:

(1) on the governing body of a state, county, municipal, or political subdivision board or commission; and

(2) as an employee of the same board or commission or in a position subject to the control of that board or commission may make or participate in making a decision that affects his economic interests.

(B) No person shall serve at the same time as:

(1) a nonappointed member of the governing body of the board or commission for a water or sewer district or a nonprofit water or sewer corporation or company organized pursuant to the provisions of state law; and

(2)(a) an employee of the same board, commission, corporation, or company; or

(b) in a position subject to the control of that board, commission, corporation, or company; or

(c) in a decision-making position concerning the operation and functions of that board, commission, corporation, or company.

(C)(1) Any person violating the provisions of subsection (B) may be assessed a civil penalty of fifty dollars per day to be remitted to the general fund of the board, commission, corporation, or company.

(2) If a lawsuit is brought to force the person to vacate either his position held pursuant to subsection (B)(1) or subsection (B)(2), and the person is found in circuit court to have violated subsection (B), the person must pay the civil penalty in subsection (C)(1) plus court costs, attorney's fees, and any damages required by the court.

(3) Any individual or entity served by the board, commission, corporation, or

company has standing to bring a lawsuit in the circuit court pursuant to this subsection.

DECISION

THE STATE ETHICS COMMISSION has determined based upon a preponderance of evidence that the Respondent, Christy Coleman, is in violation of Section 8-13-735,

THEREFORE, the State Ethics Commission hereby issues this written warning to the Respondent, Christy Coleman, for her violation of Section 8-13-735,

AND, orders the Respondent, Christy Coleman, to resign one of the two positions she holds at Clearwater Water and Sewer District by October 15, 2011,

AND, in the event that the Respondent, Christy Coleman, does not resign one of the two positions, then the daily fines of \$50.00 per day will be assessed beginning October 16, 2011 until such time as she resigns, pursuant to Section 8-13-735(C)(1),

FINALLY, Respondent Christy Coleman has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 26th DAY OF September, 2011.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA